IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16416 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KOMAL VINUBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 16416 of 2003

MR UM SHASTRI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 10/12/2003

ORAL JUDGEMENT

1. Rule. Service of rule is waived by learned advocate Shri Krunal Pandya appearing for Shri D.N.

Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. In this petition, the petitioner has prayed to issue appropriate writ, order or direction to the respondents authority directing the respondents to make necessary correction in the passport No. A-0704801 issued on 12.2.2002. In the alternatively, it has been submitted on behalf of the petitioner by ld. Counsel Mr.Shashtri to issue new passport by incorporating the date of birth as 28.10.1980 on the basis of the birth certificate issued by Anand Nagarpalika and other material documents.

3. The case of the petitioner is that the petitioner's correct date of birth is 28.10.1980, but because of mistake, initially date 10.07.1980 was recorded in School Leaving Certificate (SCL for short). It has been submitted by the ld. Advocate appearing for the petitioner that as per the register of death and birth maintained by the local self government under the provisions of the Birth & Death Registration Act, and in the birth certificate issued by Anand Nagarpalika, the correct date of birth of the petitioner is shown as 28.10.1980. An extract of the said register showing correct date of birth of the petitioner has been annexed to the petition at Annex.A.

4. The petitioner has already submitted his application to the respondent and passport No. A-0704801 has already been issued to the petitioner. However, when petitioner came to know about the difference in birth dates in birth certificate and in SCL and so the petitioner also requested the respondent to correct date of birth as 28.10.1980 on the basis of birth certificate in the passport issued and to issue passport with correct date of birth i.e. 28.10.1980 on the basis of birth certificate, but the petitioner is informed to obtained court's order. Hence, this petition. Till today, the petitioner has not received any reply. I am sure that the respondent shall examine the application of the petitioner and shall take final decision in accordance with law and shall either issue same passport with correct date of birth of the petitioner viz. 28.10.1980 or shall issue fresh passport containing correct date of birth.

5. The petitioner shall first of all pay a sum of Rs.5000/ (Rs. five thousand only) towards costs to the respondent as the respondent will have to correct the passport and/or to issue fresh passport and will have to do all formalities only because of a mistake committed by

the petitioner. Only after the said amount is paid by the petitioner, the needful shall be done by the passport authority. Petitioner, is directed to pay the aforesaid amount of costs to the respondent passport authorities directly.

6. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

[C.K. BUCH, J]

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